

13.03.2024

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sdas  
rejected

C.R.M.(DB) No. 802 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 491 of 2022 dated 23.10.2022 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In Re : Milon Mondal @ Asad Ali Seikh @ Asad Ali Sk. .... Petitioner

Mr. Arnab Chatterjee  
Mr. Amanul Islam  
Mr. Sourav Mukherjee  
Ms. Dhanasree Biswas  
Ms. Poulami Bose

....for the petitioner

Mr. Rudradipta Nandy, learned APP  
Mrs. Moushumi Sarkar

... for the State

1. Learned Counsel for the petitioner submits he is in custody for 198 days. It is also submitted there are two dying declarations of the victim which are not consistent with one another. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Petitioner is the brother-in-law of the victim lady. She was set on fire and before her death she made the dying declarations. In both the declarations petitioner has been named. Co-accused

were not named in both the declarations and in light of such inconsistency they had been enlarged on bail. Petitioner cannot claim parity with them. Keeping in mind the aforesaid facts and gravity of the offence we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**